

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING LOCAL GOVERNMENTS TO SET LIMITS LOWER
5 THAN STATE STANDARDS FOR TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING
6 RADIOACTIVE MATERIAL; AND AMENDING SECTION 75-10-112, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 75-10-112, MCA, is amended to read:

11 **"75-10-112. Powers and duties of local government.** A local government may:

- 12 (1) plan, develop, and implement a solid waste management system consistent with the state's solid
13 waste management and resource recovery plan and propose modifications to the state's solid waste
14 management and resource recovery plan;
- 15 (2) upon adoption of the state plan by the board, pass an ordinance or resolution to exempt the local
16 jurisdiction from complying with the state plan and subsequent rules implementing the state plan. The
17 ordinance or resolution must include a means to provide solid waste disposal to the citizens of the jurisdiction
18 as required in part 2 of this chapter.
- 19 (3) employ appropriate personnel to carry out the provisions of this part;
- 20 (4) purchase, rent, or execute leasing agreements for equipment and material necessary for the
21 implementation of a solid waste management system;
- 22 (5) cooperate with and enter into agreements with any persons in order to implement an effective
23 solid waste management system;
- 24 (6) receive gifts, grants, or donations or acquire by gift, deed, or purchase land necessary for the
25 implementation of any provision of this part;
- 26 (7) enforce the rules of the department or a local board of health pertaining to solid waste
27 management through the appropriate county attorney;
- 28 (8) apply for and utilize state, federal, or other available money for developing or operating a solid

1 waste management system;

2 (9) borrow from any lending agency funds available for assistance in planning a solid waste
3 management system;

4 (10) finance a solid waste management system by:

5 (a) subject to 15-10-420, fixing the assessment of a tax as authorized by state law; and

6 (b) as provided in 7-13-4108, fixing and collecting by ordinance or resolution the rates, rentals, and
7 charges for a solid waste management system on system customers;

8 (11) sell on an installment sales contract or lease to a person all or a portion of a solid waste
9 management system that the local government plans, designs, or constructs for the consideration and upon the
10 terms established by the local governments and consistent with the loan requirements set forth in this part and
11 rules adopted to implement this part;

12 (12) procure insurance against any loss in connection with property, assets, or activities;

13 (13) mortgage or otherwise encumber all or a portion of a solid waste management system when the
14 local government finds that the action is necessary to implement the purposes of this part, as long as the action
15 is consistent with the loan requirements set forth in this part and rules adopted to implement this part;

16 (14) hold or dispose of real property and, subject to agreements with lessors and lessees, develop or
17 alter the property by making improvements or betterments for the purpose of enhancing the value and
18 usefulness of the property;

19 (15) finance, design, construct, own, and operate a solid waste management system or contract for
20 any or all of the powers authorized under this part;

21 (16) control the disposition of solid waste generated within the jurisdiction of the local government,
22 except that, in the absence of an imminent threat to public health, safety, or the environment, a local
23 government may not adopt a flow control or similar ordinance to require use of a specific transfer station or
24 landfill for disposal of solid waste;

25 (17) enter into long-term contracts with local governments and private entities for:

26 (a) financing, designing, constructing, and operating a solid waste management system;

27 (b) marketing all raw or processed material recovered from solid waste;

28 (c) marketing energy products or byproducts resulting from processing or utilization of solid waste;

1 (18) finance an areawide solid waste management system through the use of any of the sources of
2 revenue available to the implementation entity for public works projects, by the use of revenue bonds issued by
3 the city or county, or by fees levied by a solid waste management district, whichever is appropriate;

4 (19) enter into interlocal agreements in order to achieve and implement the powers enumerated in this
5 part;

6 (20) regulate the siting and operation of container sites; and

7 (21) set limits lower than those allowed by the department for the disposal in its jurisdiction of
8 technologically enhanced naturally occurring radioactive material whose radionuclide concentrations are
9 increased by or as a result of past or present human practices."

10 - END -